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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/381,538	09/21/1999	KLAUS-ERWIN GROGER	10191/1098	4090

26646 7590 04/28/2003

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EXAMINER

DALENCOURT, YVES

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 04/28/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

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5.1

Office Action Summary

Application No.

09/381,538

Applicant(s)

GROGER, KLAUS-ERWIN

Examiner

Yves Dalencourt

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 11 February 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

This office action is responsive to amendment filed on 02/07/2003.

Response to Amendment

The examiner has acknowledged the amended drawings, the amended specification, and the cancellation of claims 15 and 16.

Response to Arguments

Applicant's arguments with respect to claims 9 - 14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 - 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loeffler et al (US 5838074; hereinafter Loeffler) in view of Ostermann et al (US 5774060; hereinafter Ostermann).

Regarding claim 9 - 14, Loeffler teaches an arrangement for influencing an operating state of an electronic device (figure 1a) comprising a movable part (figure 1b) for operating the electronic device, the movable part including a transponder (2, figure 1b), a code generator (24, figure 1b); and a transmission and reception device connected to the electronic device and including a transmission unit for emitting an electromagnetic oscillation for exciting the transponder (col. 2, lines 52 - 57), a reception

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unit for receiving and demodulating a modulated electromagnetic oscillation emitted from the transponder (col. 2, lines 52 - 64); and an analysis unit for converting the demodulated electromagnetic oscillation emitted from the transponder into control instructions for influencing the operating state of the electronic device (col. 3, lines 1 - 46; see claim 1).

Loeffler et al teaches all the limitations, but fails to specifically teach an arrangement comprising at least one operating unit for operating an electronic device; and a code generator generates a plurality of codes in order to modulate the electromagnetic oscillation emitted from the transponder, and a plurality of further operating states of the electronic device is initiated by a selection of the plurality of codes.

However, Ostermann et al teaches, in the same field of endeavor, a motor-vehicle central lock system with transponder in key with an arrangement comprising at least one operating unit for operating an electronic device (18, figure 2); and a code generator generates a plurality of codes in order to modulate the electromagnetic oscillation emitted from the transponder, and a plurality of further operating states of the electronic device is initiated by a selection of the plurality of codes (col. 4, lines 27 - 38 and lines 50 - 53).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an arrangement comprising at least one operating unit for operating an electronic device in Loeffler et al's device as taught by Ostermann et al for the purpose of providing a high-security remotely control device.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

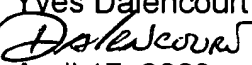
Herbert Meier (US Patent Number 6,323,566) discloses a transponder for remote keyless entry systems.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on M-TH 7:30AM - 6: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Yves Dalencourt

April 17, 2003


BRIAN ZIMMERMAN
PRIMARY EXAMINER